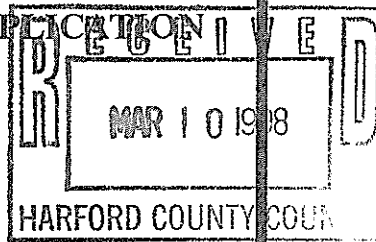


ZONING RECLASSIFICATION APPLICATION

Harford County Board of Appeals

Bel Air, Maryland 21014



Case No. 082

Date Filed 3-298

Hearing Date _____

Pre-Conf. _____

Receipt _____

Fee \$700⁰⁰

Shaded Area For Office Use Only

Note

1. It is required that the applicant have a pre-filing conference with the Department of Planning and Zoning to determine the necessary additional information that will be required.
2. The burden of proof in any rezoning case shall be upon the Petitioner.
3. Any application in a zoning case and any amendment thereto shall contain specific allegations setting forth the basis for granting of the request.
4. Petition must contain names and addresses of all persons having legal or equitable interest in the property, including shareholders owning more than five percent (5%) of the stock in a corporation having any interest in the property, except those corporations listed and traded on a recognized stock exchange.
5. Application will be reviewed for completeness within ten (10) working days of submittal. Applicant will be notified by mail of completeness of application.

Petitioner

Name CHARLES B. ANDERSON Phone Number _____

Address 1209 Old Mountain Road Joppa, Maryland 21085
Street Number Street State Zip Code

Property Owner Same as above Phone Number _____

Address _____
Street Number Street State Zip Code

Contract Purchaser N/A Phone Number _____

Address _____
Street Number Street State Zip Code

Attorney/Representative Robert S. Lynch, Esq.
Lawrence F. Kreis, Jr., Esq. Phone Number (410) 879-2222

Address 30 Office Street, Bel Air, Maryland 21014
Street Number Street State Zip Code

Hearing: 5/18/98

Land Description

Address and Location of Property (with nearest intersecting road) 1209 Old Mountain Road

Subdivision _____ Lot Number _____ Acreage/Lot Size 2.24 Election District 1

Existing Zoning R1 Proposed Zoning B3 Acreage to be Rezoned 2.24

Tax Map No. 65 Grid No. 2B Parcel 123 Deed Reference 1895/967
1895/970
1895/972

Critical Area Designation N/A Land Use Plan Designation Industrial/Employment

Present Use and ALL improvements: Single family home

Proposed Use (If for subdivision development, proposed number of lots, type of dwellings, and type of development.

Example: Conventional, Conventional with Open Space, Planned Residential Development) Commercial

Is the property designated a historic site, or does the property contain any designated or registered historic structures?

No If yes, describe: _____

Estimated Time Requested to Present Case: 3 Hours

Required Information To Be Attached

(Submit three (3) copies of each):

(a) The names and addresses of all persons, organizations, corporations, or groups owning land, any part of which lies within five hundred (500) feet of the property proposed to be reclassified as shown on the current assessment records of the State Department of Assessments and Taxation.

(b) A statement of the grounds for the application including:

(1) A statement as to whether there is an allegation of mistake as to the existing zoning, and if so, the nature of the mistake and facts relied upon to support this allegation.

(2) A statement as to whether there is an

allegation of substantial change in the character of the neighborhood, and if so, a precise description of such alleged substantial change.

(c) A statement as to whether, in the applicant's opinion, the proposed classification is in conformance with the Master Plan and the reasons for the opinion.

(d) A Concept Plan shall be submitted by the applicant at the time the application is filed. The Concept Plan shall illustrate the following:

(1) Location of site.

(2) Proposed nature and distribution of land uses, not including engineering drawings.

(3) Neighborhood (as defined by the Applicant).

ANDERSON

(b) (1) The Applicants maintain that there is a mistake as to the existing R1 zoning. This property as shown on the 1996 Land Use Plan is designated "Industrial/Employment". (See attachment (b) (1) Land Use Map & Key). The property has frontage on Md. State Route 152, which is a major arterial highway and also has frontage on Old Mountain Road. The parcel itself was bisected by the construction of Mountain Road. The current R1 zoning is not consistent with the Master Plan and given the major highway improvements to Route 152, the residential character of the property has been severely impacted. At the time of the 1989 Comprehensive Rezoning, Harford County was aware of the proposed road improvements, but failed to analyze the facts available at that time in order to determine the appropriate classification for the subject parcel. Harford County, as part of the Comprehensive Rezoning process, should have rezoned the subject parcel to B3 in order to make it consistent with the Master Plan and the neighborhood.

(2) Since the last Comprehensive Rezoning in 1989, there have been numerous changes in the neighborhood. Since 1989, there has been increased traffic on the CSX Railroad, which is located south of the subject property. Additionally, the State Highway Administration has initiated extensive road widening on Md. Route 152, which has dramatically impacted properties situated along the road. The Baltimore Gas & Electric Company cleared numerous trees and installed transmission lines along with CSX Railroad. CSX Railroad has initiated plans for installing a second track along

the existing railroad. All of these changes reflect the increased commercialization of the neighborhood.

(c) The proposed reclassification of the property to a B3 use is consistent with the Master Land Use Land Industrial/Employment Designation. (See attachment (b)(1)).

(d)

(1) See attachment (d)(1).

(2) See attachment (d)(1). - Existing house on the property on westside of Mountain Road.

(3) Neighborhood: The neighborhood is defined as the area bordered by Interstate 95 to the north, U.S. Route 40 to the south, Old Mountain Road to the west and Winters run to the east.

(4) See attachment (d)(4).

(5) There are no proposed public or private capital improvements. The roadway improvements for Md. route 152 have recently been completed.

(e) Rezoning in the neighborhood:

CASE NO.	NAME	ZONING CHANGE	DATE
046	Patel	R1 to B3	12/26/91
048	Cummings & Guttermuth	R1 to B3	10/14/92
049	Sohn	R1 to B3	10/14/92
050	Palmeri	R1 to B3	02/03/93
056	Ivanauskas	R1 to B3	09/26/94
057	Miller	R1 to B3	09/26/94
058	High's of Baltimore	B1 to B3	02/09/95

(f) See attachment (d) (1)

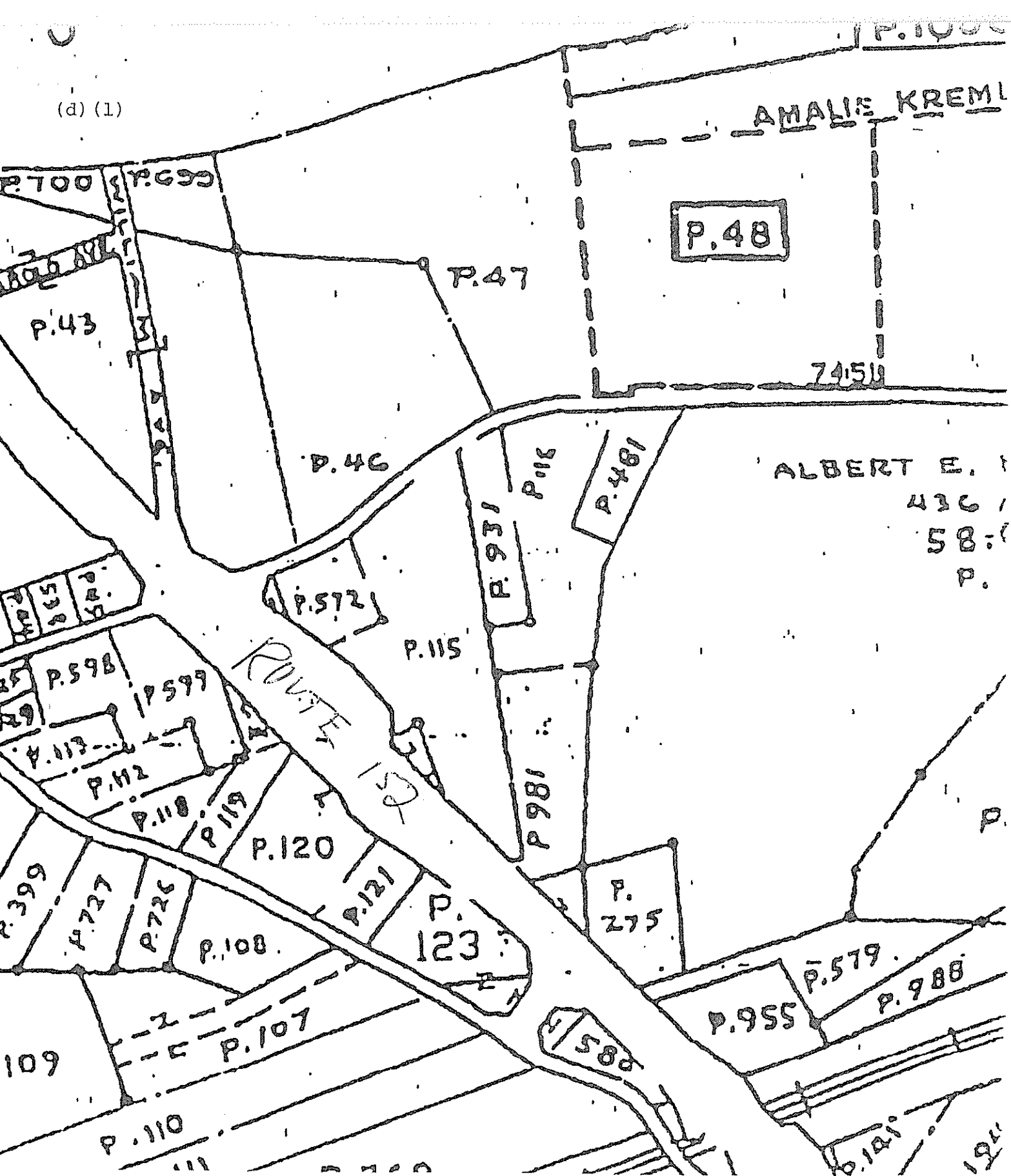
(g) See attachment (d) (g)

(h) None

(i) None

(j) Water is available; sewer is situated south of the subject parcel.

(d) (1)



Comprehensive Zoning Log

10/2/97

Issue #	Date	C P C	Tax ID #	Map #	Grid	Parcel #	Property owner	Property location	Acres of parcel	Acres to rezone	CZ	RZ	PAB	P-Z	C-C
A001	10-4-96	EDG	01042408	654E	724		Emmord & June Hanson	1416 Trimble Road Edgewood	.343	.343	R3	G1	U	U	U
A002	10-4-96	EDG	01042386	654E	585		Emmord & June Hanson	1416 Trimble Road Edgewood	.86	.86	R3	G1	U	U	U
A003	10-4-96	EDG	01042394	654D	363, lots 1 & 2		Emmord & June Hanson	1416 Trimble Road Edgewood	32.40	32.40	R3	G1	U	U	U
A004	10-9-96	EDG	01102648	654E	655		Hubert B. Webster	1106 Trimble Rd Joppa	3.41	3.41	R1	B3	R1	R1	R1
A005	10-14-96	EDG	01031929	651D	125		Magnolia Rd Assoc. (K. & D. Zieminski)	Magnolia / Trimble Road	38.166	2.2	G1	B3	G1	G1	G1
A006	10-14-96	EDG	01088777	653D	972, lot 1		Robert & Lillie Smith	1203 Hanson Rd	1.72	1.72	R1	R3	R1	R1	R1
A007	10-14-96	EDG	01294849	653D	972, lot 2		Robert & Lillie Smith	1199 Hanson Road	29,088 sq. ft.	29,088 sq. ft.	R1	R3	R1	R1	R1
A008	10-14-96	EDG	01294865	653D	972, lot 4		Robert & Lillie Smith	1203 Hanson Rd	20,037 sq. ft.	20,037 sq. ft.	R1	R3	R1	R1	R1
A009	10-14-96	EDG	01294857	653D	972, lot 3		Robert & Lillie Smith	1201 Hanson Rd	20,137 sq. ft.	20,137 sq. ft.	R1	R3	R1	R1	R1
A010	10-14-96	EDG	01074199	663B	184		Carl & Mary Perry	2611 Willoughby Beach Rd Edgewood	19.853	19.853	R2	R4	R2	R2	R2
A011							Re numbered as B128								
A012	10-15-96	EDG	01020897	664	333		T & M Construction (Michael Kuzmal)	408, 410, 412, Edgewood Rd	1.8	1.8	B2	B3	B2	B2	B2
A013	10-15-96	EDG	01020900	664	252		T & M Construction (Michael Kuzmal)	408, 410, 412, Edgewood Rd	.514	.514	B2	B3	B2	B2	B2
A014	10-15-96	EDG	01015966	662C	263		Willoughby Beach Rd Prop (L. Boszyl)	SS Willoughby Beach Rd. near Edgewood	3.045	3.045	B1	B2	B2	B2	B2
B001	8-20-96	ARE	01026829	611E	18		David S. Crowe	19 Singer Road	1.10	1.10	R2	R3	R2	R2	R2
B002	8-14-96	F	03033325	553C	209		Lewis G. Bell	203 Mountain Rd	.419	.419	R2	B3	R2	R2	R2
B003	8-1-96	JJ	01068385	652A	29		George and Loretta Nohs	North Side of Rt. 7 (Joppa)	2.268	2.268	R1	C1	U	U	U
B004	8-1-96	ARE	01019910	611F	386		1st Uni Penecostal (Rev. Darion Jones)	3303 Emmorton Road	1.86	1.86	R2	B3	R2	R2	R2
B005	8-6-96	JJ	01001442	652B	123		Charles B. Anderson	1209 Old Mountain Road South	2.24	2.24	R1	B3	R1	R1	R1
B006	9-10-96	ARE	01000721	564E	476 lots 24 & 25		Belinda Joy Alamo	12 Singer Rd Abingdon	.8	.8	R2	B3	R2	R2	R2
B007	9-10-96	F	03052915	551E	154		Barton McLean	308-312 Old Joppa Rd Fallston	9.213	.17	B3	AG	AG	RR	AG
B008	9-13-96	F	04067339	361F	37		Hugh E. Taylor	3301 Charles St. Fallston	51.0	51.0	AG	RR	AG	RR	AG
B009	9-23-96	ARE	01023748	562C	431		John and Anne Lagness	203 Puntree Road Bel Air	.435	.435	R1	B3	RO	RO	RO
B010	9-30-96	ARE	01052225	562C	169		William Kelly, Sr.	111 Puntree Road	.465	.465	R3	B3	RO	RO	RO